

ESTTA Tracking number: **ESTTA772909**

Filing date: **09/26/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |  |
|------------------------|--|
| Proceeding             | 92064491   |
| Party                  | Plaintiff<br>McCluskey Chevrolet, Inc.   |
| Correspondence Address | CARRIE A SHUFFLEBARGER<br>THOMPSON HINE LLC<br>312 WALNUT STREET, FOURTEENTH FLOOR<br>CINCINNATI, OH 45202<br>UNITED STATES<br>carrie.shufflebarger@thompsonhine.com, mike.nieberding@thompsonhine.com |
| Submission             | Other Motions/Papers   |
| Filer's Name           | Carrie A. Shufflebarger  |
| Filer's e-mail         | carrie.shufflebarger@thompsonhine.com, michael.nieberding@thompsonhine.com, docket@thompsonhine.com  |
| Signature              | /cas/  |
| Date                   | 09/26/2016   |
| Attachments            | 4 Notice of Failure of Service.PDF(1374179 bytes )   |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| MCCLUSKEY CHEVROLET, INC. | : |                                  |
|                           | : |                                  |
| Petitioner,               | : |                                  |
|                           | : | Cancellation No. <u>92064491</u> |
| v.                        | : |                                  |
|                           | : | Registration No. 4,005,688       |
| BOYLSTON TECHNOLOGY       | : |                                  |
| GROUP, INC.               | : |                                  |
|                           | : |                                  |
| Registrant.               | : |                                  |

**NOTICE OF FAILURE OF SERVICE**

Pursuant to Trademark Rule 2.111(b) and TBMP § 309.02(c)(2), Petitioner McCluskey Chevrolet, Inc. hereby notifies the Board that three service copies of the Petition for Cancellation sent to Registrant Boylston Technology Group, Inc.’s physical and email addresses of record were returned as either “undeliverable” or “refused.”

On September 19, 2016, the undersigned caused a copy of the Petition for Cancellation in the above matter to be served via Federal Express on Registrant’s address of record, 75 Arlington Street, Ste. 500, Boston, Massachusetts 02116-3936. Petitioner also served a courtesy copy via email at [info@boylstontech.com](mailto:info@boylstontech.com), which was immediately returned as “undeliverable.” (Exhibit A).

After learning the Federal Express copy was left at a door without a signature release, on September 20, 2016 the undersigned sent a second service copy via United States Postal Service Priority Mail Express 1 Day™ service. That service copy was “refused” on September 21, 2016 (Exhibit B).

On September 26, 2016, the undersigned learned the Federal Express package served on September 19, 2016 and delivered on September 20, 2016 was also returned as “undeliverable.” (Exhibit C).

On information and belief, as stated in the Petition for Cancellation, Respondent's corporate entity has been dissolved, and it is no longer operating, either at its address of record or otherwise.

Date: September 26, 2016

Respectfully submitted,

/s/ Carrie A. Shufflebarger

Carrie A. Shufflebarger, Esq.

Michael Nieberding

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[mike.nieberding@thompsonhine.com](mailto:mike.nieberding@thompsonhine.com)

**Bella, Sharon**

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**From:** Microsoft Outlook  
**To:** info@boylstontech.com  
**Sent:** Monday, September 19, 2016 3:27 PM  
**Subject:** Undeliverable: Please see attached

**Delivery has failed to these recipients or groups:**

[info@boylstontech.com](mailto:info@boylstontech.com) ([info@boylstontech.com](mailto:info@boylstontech.com))

A problem occurred and this message couldn't be delivered. Check to be sure the e-mail address is correct. If the problem continues, please contact your helpdesk.

**Diagnostic information for administrators:**

Generating server: CIN-EXCH-MB01.thompsonhine.com

[info@boylstontech.com](mailto:info@boylstontech.com)

#554 5.4.4 SMTPSEND.DNS.NonExistentDomain; nonexistent domain ##

Original message headers:

Received: from CIN-EXCH-MB01.thompsonhine.com ([::1]) by cin-exch-mb01.thompsonhine.com ([::1]) with mapi id 14.03.0319.002; Mon, 19 Sep 2016 15:26:40 -0400  
From: "Bella, Sharon" <Sharon.Bella@thompsonhine.com>  
To: "[info@boylstontech.com](mailto:info@boylstontech.com)" <[info@boylstontech.com](mailto:info@boylstontech.com)>  
Subject: Please see attached  
Thread-Topic: Please see attached  
Thread-Index: AdISq7lKZA4ZLmZOTgW4mPXBT39jxg==  
Date: Mon, 19 Sep 2016 19:26:39 +0000  
Message-ID: <3B9DBDFC35AFE6499B440C6D2B73EE881B66DCC1@cin-exch-mb01.thompsonhine.com>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach: yes  
X-MS-TNEF-Correlator:  
x-pgma-masrq: I  
x-originating-ip: [10.30.102.50]  
x-ems-processed: evJtETNYGReO0J3Jf7y1wA==  
x-ems-stamp: iyWjDSC+QO9Tceo6V7QRzg==  
Content-Type: multipart/mixed;  
    boundary="\_007\_3B9DBDFC35AFE6499B440C6D2B73EE881B66DCC1cinexchmb01thom\_"  
MIME-Version: 1.0





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Tracking Number: EL459539913US

Scheduled Delivery Day: Wednesday, September 21, 2016, 12:00 pm  
Money Back Guarantee

Your item was refused by the addressee at 10:55 am on September 21, 2016 in BOSTON, MA 02116 and is being returned to the sender.

## Product & Tracking Information

Postal Product:  
Priority Mail Express 1-Day™

Features:  
Insured PO to Addressee  
Up to \$100 insurance included  
Restrictions Apply

## Available Actions

[Proof of Delivery](#)

[Text Updates](#)

[Email Updates](#)

| DATE & TIME                   | STATUS OF ITEM | LOCATION         |
|-------------------------------|----------------|------------------|
| September 21, 2016 , 10:55 am | Refused        | BOSTON, MA 02116 |

Your item was refused by the addressee at 10:55 am on September 21, 2016 in BOSTON, MA 02116 and is being returned to the sender.

|                               |                                      |                      |
|-------------------------------|--------------------------------------|----------------------|
| September 21, 2016 , 9:58 am  | Arrived at Post Office               | BOSTON, MA 02116     |
| September 21, 2016 , 8:51 am  | Departed USPS Facility               | BOSTON, MA 02205     |
| September 21, 2016 , 8:32 am  | Arrived at USPS Destination Facility | BOSTON, MA 02205     |
| September 20, 2016 , 9:05 pm  | Departed USPS Facility               | CINCINNATI, OH 45234 |
| September 20, 2016 , 6:13 pm  | Arrived at USPS Origin Facility      | CINCINNATI, OH 45234 |
| September 20, 2016 , 5:26 pm  | Departed Post Office                 | CINCINNATI, OH 45202 |
| September 20, 2016 , 12:37 pm | Acceptance                           | CINCINNATI, OH 45202 |

## Track Another Package

Tracking (or receipt) number

Track It

## Manage Incoming Packages

Track all your packages from a dashboard.  
No tracking numbers necessary.

[Sign up for My USPS >](#)



Per # 150237V-438 R012 APV EXP 09/17 2  
KMP 120853/222F

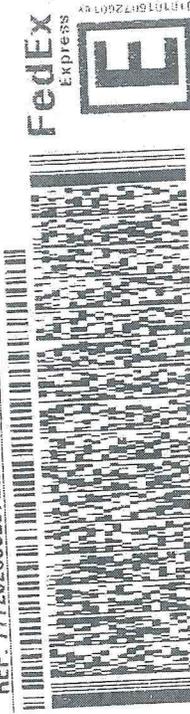
SHIP DATE: 22SEP16  
ACTWGT: 1.00 LB RAN  
CAD: 190941/CAFE3009

BILL RECIPIENT

ORIGIN ID: BVYA (800) 453-3339  
BY RETURNS  
FDX/BVYA  
775 SUMMER STREET  
BOSTON, MA 02127  
UNITED STATES US

TO RETURN  
THOMPSON HINE LLP  
312 WALNUT STREET  
14TH FLOOR  
CINCINNATI OH 45202

REF: 777262085297DLUNDELIVERABLE

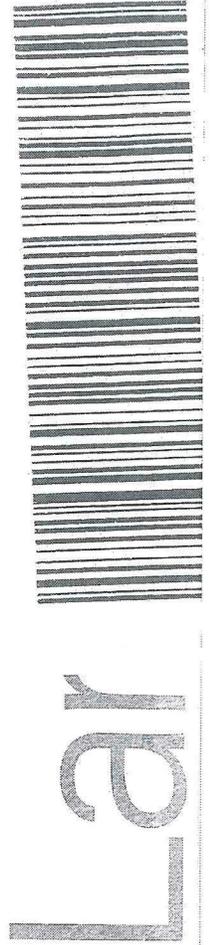


TUE - 27 SEP 4:30P  
EXPRESS SAVER

TRK# 7006 1157 0746  
0201

45202  
OH-US  
CVG

SH LUKA



Lar

tabbies  
PLAINTIFF'S  
EXHIBIT  
C.

16:30  
07:46  
09/26